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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/048,129	04/05/2002	Thomas L. Larsen	BGR-017PCT/US	2848
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David Silverstein			EXAMINER	
Suite 300 44 Park Street	01910		PATEL, NIHIR B	
Andover, MA	01810		ART UNIT	PAPER NUMBER
			3743	8
			DATE MAILED: 08/26/2003	Δ

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Application No.   Applicant(s)   LARSENET AL				111				
### Examiner   Nhir Patel   3743    ### The MAILING DATE of this communication appears on the cover sheat with the correspondence address = Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE of THIS COMMUNICATION.  Extensions of lines rays to available under the provisions of 37 CPT 1.136(n), in over, however, may a reply be timely filled.  If the period for reply specified above, the maximum districts prior of all apply and will expire 35 (0) MONTHST from the mailing date of the communication	?	Application No.	Applicant(s)	<del>\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\</del>				
Nihir Pate    3743		10/048,129	LARSEN ET AL.					
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Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  Extensions of times may be available audor the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed  Etheracion of times may be available audor the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed  Etheracion of times may be available audor the provisions of 37 CFR 1.136(b). In no event, however, may a reply be timely filed  Etheracion of the provision of Calaims  1) Responsive to communication(s) filed on		Nihir Patel	3743					
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provision of 3 JCPR 1 15(6). In no event, however, may a roply be timely flied other SX (6) MCNT15 from the mailing date of this communication.  It NO paried for engly is equal between the provision of the pr								
2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 39-82 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  7) Claim(s) is/are objected to.  8) Claim(s) is/are objected to.  8) Claim(s) is/are objected to by the Examiner.  4Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1 Certified copies of the priority documents have been received in Application No  3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 119(b) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	<ul> <li>THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.1: after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a reply.</li> <li>If NO period for reply is specified above, the maximum statutory period v.</li> <li>Failure to reply within the set or extended period for reply will, by statute.</li> <li>Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>	36(a). In no event, however, may within the statutory minimum o will expire SIX (6), cause the application to become	y a reply be timely filed f thirty (30) days will be considered timely. MONTHS from the mailing date of this comm te ABANDONED (35 U.S.C. § 133).	nunication.				
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Application/Control Number: 10/048,129

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## **DETAILED ACTION**

## Election/Restrictions

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Figure(s) 1

Figure(s) 2A and 2B

Figure(s) 3

Figure(s) 4

Figure(s) 5

Figure(s) 6

Figure(s) 7

Figure(s) 8

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after

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the election, applicant must indicate which are readable upon the elected species. MPEP

§ 809.02(a).

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: see the brief description in the specifications of the

application.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nihir Patel whose telephone number is (703) 306-3463. The examiner can normally be reached on 7:30 to 4:30 every other Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on 703-308-0101. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-3230 for regular communications and 703 305-3230 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.

NP

August 25, 2003

Henry Hennett
Supervisory Parent Examiner